S.B.Cr.Misc. Bail App. No.5473/2007

(Gopa Ram & Ors. Vs. State of Rajasthan)

DATE OF ORDER : November 16, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Pradeep Choudhary, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

Learned Public Prosecutor submits that after declaring the petitioners absconder, the challan has been filed against them under section 299 Cr.P.C.

In Jagtar Singh Vs.Satendra Kaur alias Bhavana Grover & Ors., 2002 Cr.L.R. (SC) 807, the Hon'ble Supreme Court has held that when the accused is declared absconder, normally he is not entitled for anticipatory bail or regular bail.

In this view of the matter, the bail application filed by the petitioner under section 438 Cr.P.C. is, therefore, dismissed. However, the learned counsel for the petitioners submits that the petitioners would surrender before the trial court and move a regular bail and the trial court may be directed to decide the bail

application on the same day. If the petitioners surrender before the trial court and move a regular bail, the trial court shall consider and decide the same on the very day in accordance with law.

(H.R.PANWAR),J.

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